



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Hedy L. Chang, Council Member
Cynthia J. Cook Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Hedy L. Chang, Agency Member
Cynthia J. Cook, Agency Member
Steve Tate, Agency Member

WEDNESDAY, MARCH 15, 2000

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor/Chairperson Kennedy

INTERIM CITY MANAGER'S REPORT

INTERIM CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #8 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **FEBRUARY FINANCE AND INVESTMENT REPORT** 1
Recommended Action: Accept and file report.
2. **FISCAL YEAR 1999/00 MID YEAR BUDGET ADJUSTMENTS** 27
Recommended Action: Approve Proposed Mid Year Adjustments.
3. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR CENTRAL PARK PH. III (TRACT 9072)** 35
Recommended Action:
 1. **Adopt** Resolution No. 5358 Accepting the Public Improvements for Tract 9072, commonly known as Central Avenue - Central Park Ph. III and,
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
4. **SENATE BILL 402 – COMPULSORY AND BINDING ARBITRATION** 41
Recommended Action: Adopt Resolution No. 5362 in Opposition of Senate Bill 402.

5. **RESOLUTION OF INTENT TO VACATE A PORTION OF KEITH WAY AND SETTING TIME AND PLACE FOR THE PUBLIC HEARING** 63
Recommended Action:
 1. **Approve** Resolution No. 5359, Resolution of Intent to Vacate a Portion of Keith Way, thereby Setting April 5, 2000 at 7:00 P.M. in the Council Chambers as the Time and Date for the Public Hearing, and
 2. **Direct** the City Clerk to Publish the Resolution of Intent as Required by State Law.

6. **RECRUITMENT FOR THE POSITION OF CITY ATTORNEY** 71
Recommended Action: **Confirm** the Mayor's Appointment of Mayor Pro Tempore Tate to Serve on a Two-person Subcommittee of the City Council to Review Proposals and Recommend a Contract and Recruitment Process for a City Attorney for Consideration by the Full Council.

7. **APPOINTMENTS TO THE SENIOR ADVISORY COMMITTEE** 73
Recommended Action: **Approve** Recommended Appointment by the Parks and Recreation Commission of Two Community Members to Vacancies on the Senior Advisory Committee.

8. **REVIEW OF TENTATIVE MAP APPROVAL FOR SUBDIVISION, SD-99-12: COCHRANE - MORGAN HILL DEVELOPMENT PARTNERS** 79
Recommended Action: **Take No Action.** Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.

OTHER BUSINESS:

- | | Time
Estimate | Page |
|----|--------------------------|--|
| 9. | 75 minutes | <u>REPORT ON MEDICAL SERVICES FEASIBILITY STUDY</u> 101 |
| | | <u>Recommended Action:</u> |
| | | <ol style="list-style-type: none"> 1. <u>Accept</u> Report Evaluating the Feasibility of Retaining/providing Medical Services in Morgan Hill, 2. <u>Direct</u> Staff to Disseminate and Circulate the Report for Public Review and Comment, and 3. <u>Agendize</u> the Report for the April 5, 2000 City Council Meeting for the Purpose of: a) Hearing and Soliciting Public Comment, b) Making Policy Decisions regarding the Retention/provision of Medical Services in the Community, and c) Directing Staff on How to Proceed with Implementing the Adopted Policies. |

PUBLIC HEARINGS:

	Time Estimate		Page
10.	15 minutes	<u>GPA 98-03: ZONING APPLICATION ZA 99-12: COCHRANE - MORGAN HILL DEVELOPMENT PARTNERS</u> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Approve</u> Mitigated Negative Declaration. Action- <u>Motion to Adopt</u> Resolution No. 5363 Approving General Plan Amendment A. Planning Commission Recommendation <i>OR</i> B. Staff Recommendation. Action- <u>Motion to waive</u> the reading in full of the Ordinance No. 1474, N.S. Approving the Zoning Amendment. <u>Motion to Introduce</u> Ordinance No. 1474, N.S. by title only. A. Planning Commission Recommendation <i>OR</i> B. Staff Recommendation #1 - Housing Adjacent to EAH <i>OR</i> C. Staff Recommendation #2 - R&D Adjacent to EAH.	103
11.	15 minutes	<u>APPLICATION AP-2000-01: W. DUNNE - TICHININ: APPEAL OF PLANNING COMMISSION APPROVAL OF USE PERMIT, UP-99-09: W. DUNNE - VALLEY TRANSPORTATION AUTHORITY</u> Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Adopt</u> Resolution No. 5360 Upholding Planning Commission Approval of Conditional Use Permit, UP-99-09: W. Dunne - Valley Transportation Authority.	189

OTHER BUSINESS:

	Time Estimate		Page
12.	30 minutes	<u>ADOPT RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO FORM AN ASSESSMENT DISTRICT, AND ADOPT RESOLUTION APPROVING THE ENGINEER'S REPORT AND SCHEDULING PROTEST HEARING</u> Recommended Action: 1. <u>Adopt</u> Resolution No. 5356 Declaring the Intention to Form an Assessment District and Describing the District's Improvements and Boundaries, and 2. <u>Adopt</u> Resolution No. 5357 Preliminarily Approving the Engineer's Report and Setting a Time and Place for a Protest Hearing.	225

- | | | | |
|-----|-----------|--|-----|
| 13. | 5 minutes | <u>CITY ATTORNEY RECRUITMENT</u> 233
<u>Recommended Action:</u> Authorize the City Manager to Accept the Proposal and Execute
a Contract with John Shannon and Associates to Provide Executive Search Services in
Connection with the Recruitment for the City Attorney Position. | 233 |
|-----|-----------|--|-----|

Redevelopment Agency Action

OTHER BUSINESS:

- | | Time
Estimate | | Page |
|-----|------------------|--|------|
| 14. | 15 minutes | <u>AGREEMENT FOR ARCHITECTURAL SERVICES FOR THE
 COMMUNITY AND CULTURAL CENTER</u> 253
<u>Recommended Action:</u> Postpone Action on the Agreement to the Redevelopment Agency
Meeting of March 22, 2000. | 253 |

City Council & Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #15 through #16 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

- | | Time
Estimate | | Page |
|---|------------------|--|------|
| Consent Calendar: 1 - 10 Minutes | | | |
| 15. | | <u>APPROVAL OF JOINT REGULAR REDEVELOPMENT AGENCY AND
 SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 23, 2000</u> 255 | 255 |
| 16. | | <u>APPROVAL OF JOINT REGULAR AND SPECIAL CITY COUNCIL AND
 SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 1,
 2000</u> 265 | 265 |

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

Time

Estimate

10 minutes

1.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority: Government Code Section 54956.9(a)
Title of Case: Perry v. City of Morgan Hill
Case Number: CV 776530
Court: Superior Court, County of Santa Clara
Parties: Dennis Perry
Subject of Litigation: Property damage
Closed Session Topic: Potential Settlement
Attendees: Councilmembers; Interim City Manager; Interim City Attorney.

60 minutes

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators: Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

30 minutes

3.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b)(3)(E) of Government Code Section 54956.9: (1 case)
Attendees: Agency Board; Interim Executive Director; Interim Agency Counsel; Director of Business Assistance and Housing Services; Chief of Police, and William Strausz, special counsel

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT